

REMARKS

Claims 1 to 18 are the pending claims being examined in the application, of which Claims 1, 12 and 15 are the independent claims. Claims 1, 3 to 6, 8 to 12 and 15 to 17 are being amended, and Claim 18 is being added. Reconsideration and further examination are respectfully requested.

Claims 1 to 17 are rejected under 35 U.S.C. §112, first paragraph, for the reason that the specification fails to disclose a programmable processor as claimed in Claims 1, 12 and 15. In response, it is submitted that there is more than ample support in the specification and the claims as originally filed for the claimed subject matter. It is respectfully submitted that the referenced subject matter was recited in originally-filed Claims 1, 12 and 15, and that the originally-filed claims are a part of the detailed description of the original application. In addition, reference is respectfully made to the detailed description at paragraph 14, for example, which describes using one or more microprocessors or similar devices executing software instructions to implement processes, or alternatively implementing processes using any combination of software, firmware and hardware. Furthermore, paragraph 14 indicates, for example, that the microprocessor could be a part of general purpose computer, a personal digital assistant, a cellular telephone, or other type of device.

In view of the above, for at least the reasons discussed above, it is submitted that there is more than ample support for the referenced claim language. Reconsideration and withdrawal of the 35 U.S.C. §112, first paragraph are therefore respectfully requested.

Claims 1 to 17 are rejected under 35 U.S.C. §112, second paragraph. More particularly, the Office Action indicates that there is insufficient antecedent basis for the "the media player" language in Claim 1. Without conceding the correctness of the rejection, Claim 1 is amended to remove the referenced language thereby affording Applicant a fuller measure of protection of the scope to which Applicant is entitled.

With regard to Claims 12 and 15, the Office Action indicates that it is unclear whether the claimed subject matter is being performed by a client or a server. In response, it is submitted that the language of the claims, which indicates that the claimed

subject matter is part of a process performed by a programmable processor, is sufficiently clear. Furthermore, it is submitted that the grounds for the rejection are directed to claim scope and cannot therefore be the basis of a §112, second paragraph rejection. For at least these reasons, reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph rejection are therefore respectfully requested.

Claims 1 to 11 are rejected under 35 U.S.C. § 102(b) over U.S. Publication No. 2002/0013852 (Janik), Claims 12 to 14 are rejected under 35 U.S.C. § 103(a) over Janik and U.S. Publication No. 2004/0254887 (Jacoby), and Claims 15 to 17 are rejected under 35 U.S.C. § 102(b) over Jacoby. Reconsideration and withdrawal of the rejections are respectfully requested for at least the reasons discussed below.

By way of an introduction and by non-limiting example, in accordance with certain disclosed embodiments, media content available for experiencing by a user using a first computing device is made available for experiencing by the user using a second computing device. A first process, e.g., an agent process, executing on the first computing device collects information associated with the media content available to the user using the first computing device. A second process, e.g., a client process, executing on the second computing device requests some or all of the information collected by the agent process. The user selects the media content that the user would like to experience using the second device from the information collected and provided by the agent process. In response to a request for the user-selected media content received from the client process, and the agent process transmits the media content to the client process, so that the user using the second computing device is able to experience media content available to the user using the first computing device.

Turning to the specific language of the claims, Claim 1 recites a set of stored instructions embodied on a medium, that when read by a programmable processor, results in the processor performing a process. According to the process, meta data information describing media files available for experiencing by the user using the process host is collected, and a request is received from a process executing at a remote client, the request is for at least some of the meta data information. The requested meta data information and an identifier for each media file described by the requested meta data

information is communicated to the remote client process, the identifier uniquely identifies the media file. A request is received from the remote client process to transfer a media file selected by the user at the remote client, the request includes the identifier of the selected media file. The requested media file is transmitted to the remote client as a stream, so that the selected media file available to the user at the host is made available to the user at the client based on the user's selection of the media file at the remote client.

The applied art, namely Janik, fails to teach, suggest or disclose the claimed process.

Janik focuses on using thin clients that play back media content identified by a predefined playlist. In so doing, the thin client described in Janik only has to provide the capability to allow the user to control the playback of the pre-selected content.

The disclosure of Janik is in stark contrast to the inventions of the present claims, which provide a process whereby a user is able to select from media files available to the user at a remote device at a local device. Nothing in Janik teaches, suggests or discloses a process collecting meta data information describing media files available for experiencing by a user using a host of the process, the process receiving from a process executing at a remote client a request for at least some of the meta data information collected by the process, and communicating the requested meta data information to the remote client process, together with an identifier for each media file described by the requested metadata information, the identifier uniquely identifying the media file. Furthermore, Janik fails to teach, suggest or disclose receiving from the remote client process a request to transfer a media file selected by the user at the remote client, the request including the identifier of the selected media file, and transmitting the requested media file to the remote client as a stream, so that the user is able to select from the media files available to the user at the host one or more media files to be experienced by the user at the remote client.

Paragraphs 3, 117, 120, 132 and 162 of Janik describe thin client devices which playback media content identified in predefined playlists, the thin client merely providing buttons (i.e., play, pause, forward, backward, stop and balance) to control playback of the media content identified in the predefined playlist. At paragraphs 130 to 132, Janik

describes using a personal computer to select the media files for inclusion in the playlist. Thus, Janik consists of an approach whereby media content is pre-selected for inclusion in a playlist that defines the music content that is to be played back by the thin client, and the thin client merely provides controls to control the playback of the media content identified by the predefined playlists.

Janik's approach of playing previously-selected media content identified in a predefined playlist at a thin client cannot be said to be the same as the inventions of the present claims, in which a user can select media content using meta data information collected for media files available to the user at a host device and transmitted to a client device, the media content selected by the user at the client being requested from the host device and transmitted to the client, so that the user is able to select from the media files available to the user at the host one or more media files to be experienced by the user at the client. Thus Janik cannot form the basis of a proper rejection under § 102(b), and it is respectfully requested that such rejection be withdrawn.

Jacoby has been reviewed and is not seen to remedy the deficiencies noted with respect to Janik, and thus the hypothetical combination of Janik and Jacoby proposed by the Examiner does not teach, describe nor suggest all of the elements of the rejected claims, and thus it is respectfully suggested that rejection of the claims under § 103(a) also be withdrawn.

In view of the foregoing and for at least the reasons discussed above, Claim 1, and the claims that depend from Claim 1, are believed to be in condition for allowance. Claim 12, and the claims that depend from Claim 12, is also believed to be in condition for allowance for at least the same reasons.

Claim 15 recites a set of stored instructions embodied on a medium that, when read by a programmable processor, results in the processor performing a process. The process comprises receiving a first communication over a wide area network (WAN), the first communication including connection information to connect to a first process via a proxy server on the WAN, receiving a second communication from a second process, the second communication including the connection information for the first process and requesting meta data information collected by the first process, and forwarding the

second communication received from the second process to the first process connecting to the proxy server on the WAN.

The Office Action contends that Figure 1 of Jacoby discloses the subject matter recited in Claim 15. However, Jacoby does not address first and second processes communicating via proxy server using a process that receives a first communication over a wide area network (WAN), the first communication including connection information to connect to the first process via a proxy server on the WAN, receives a second communication from the second process, the second communication including the connection information for the first process and requesting meta data information collected by the first process, and forwards the second communication received from the second process to the first process via the proxy server.

In view of the foregoing and for at least the reasons discussed above, Claim 15, and the claims that depend from Claim 15, is believed to be in condition for allowance.

Furthermore, in view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

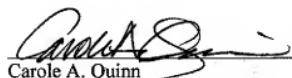
The Applicant respectfully requests that a timely Notice of Allowance therefore be issued in this case. Should matters remain which the Examiner believes could be resolved in a further telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.

In this regard, Applicant's undersigned attorney may be reached by phone in California (Pacific Standard Time) at (714) 708-6500. All correspondence should continue to be directed to the below-listed address.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-2638. Please ensure that the Attorney Docket Number is referred when charging any payments or credits for this case.

Respectfully submitted,

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